

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	Case No. 08-00326-CR-W-HFS
)	
RAED H. HAIDAR)	
)	
Defendant.)	

MEMORANDUM TO COUNSEL

Defendant seeks reconsideration, primarily but not exclusively on a theory that the delay in arresting defendant was independently planned by the FBI, and that the U.S. Attorney's office has the duty to cause arrests to be timely made and cannot abdicate this duty by delegation to the FBI. No authority is cited where dismissal was based on an inappropriate delegation.

The Shelton case, relied on by defendant, was cited in a ruling by Judge Wright, after a Magistrate's evidentiary hearing and careful consideration of the applicable law. United States v. Dowdy, 2008 WL 4562271.

If I might, on reconsideration, consider such a more deliberate approach to the issue, that would conflict with the planned plea, set for tomorrow. I understand defendant's sense of urgency, because a prompt release is hoped for. A plea would, however, waive the issue of delay.

I will go ahead as scheduled, without ruling the recent motion for reconsideration, absent a request for continuance, which will be dealt with if requested.

It is SO ORDERED.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

October 9, 2012

Kansas City, Missouri